CR.MA/3571/2004 1/3 JUDGMENT

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3571, 3565, 3570 & 3569 of 2004
with
CRIMINAL MISC. APPLICATION Nos.8396. 8388, 8403 & 8394 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MUKESHBHAI KANCHANLAL BHARUCHI - Applicant(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR BS PATEL for Petitioner No(s).: 1.

MRS RANJAN B PATEL for Petitioner No(s).: 1.

Mr,Kogje, Addl.PUBLIC PROSECUTOR for Respondent No(s).: 1.

None for Respondent No(s).: 2.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 17/08/2005

ORAL JUDGMENT

1.Mr.Kogje, Ld.Addl.PP for the respondent-State

submits under the instructions of Mr.R.L.Chauhan, PSI, Economic Cell, Bharuch, states that as per the information furnished to the Investigating Officer from the bank, the full payment of transaction in question of the loan is made by the borrower and the bank has received the money, and therefore, no further investigation in connection with the criminal complaint would be required. He has further submitted that accordingly said report shall be submitted to the concerned court in connection with the FIR in question.

2. Mr.Kogje, Ld.APP for the respondent-State has also submitted that as such, at the instance of the complainant-bank, the present petition would not be maintainable. However, with a view to see that the innocent persons are not faced with the criminal prosecution, more particularly, when the amounts are already paid the aforesaid submission is made on behalf of the State.

3. Mr.Patel, Ld.counsel for the petitioners submits that as the earlier statement is satisfactory to the petitioners, under the instructions of his clients, he does not press these petitions and he seeks permission to withdraw the petitions. Permission granted. All the petitions are disposed of as

withdrawn. Rule in each petition is discharged. Interim relief stands vacated.

4. In view of the order passed in main petitions, Criminal Miscellaneous Application Nos **8396. 8388, 8403 & 8394 of 2005** for vacating interim relief would not survive and shall stand disposed of accordingly.

(JAYANT PATEL,J)

17.8.05/murty